



Overseas Student Transfers

PURPOSE

Standard 7 of the National Code restricts the movement of learners to an alternative provider during the first *six (6) months* of the student's principal course.

Learners must, except under exceptional circumstances, complete *six (6) months* of their principal program of study before changing providers.

If a request for a release letter is refused, the student will be advised of the reasons for the refusal and informed of his or her right of appeal in writing.

SCOPE

This policy applies only to international learners enrolled at Atlantis College of Management (ACM) according to the provisions of a student visa.

DEFINITIONS

CoE	<p>The Confirmation of Enrolment (CoE) is an official document issued to international students by universities, TAFE's, and Registered Training Organizations (RTO) in Australia.</p> <p>It confirms that an International Student has accepted a place in a course, and have paid their tuition fees and Overseas Student Health Cover premium (OSHC)</p>
Education Agent	<p>A person (whether within or outside Australia) who, by mutual agreement, represents or acts on behalf of an education provider in dealing with overseas students or intending overseas students.</p> <p>Education agents have a critical role in the recruitment of students to Australia's international education industry.</p>
ESOS Act	<p>The ESOS Act governs the provision of Education Services to Overseas Students - The National Code 2018 is an associated part of this Act that most clearly spells out what each participant, may do, must do and may not do in relation to engaging with Australia's education services.</p>
International Student	<p>A student who is neither a permanent resident nor a citizen of a country. It is often treated as synonymous with 'overseas student'. Most, but not all, international students are required to hold student visas.</p>
PRISMS	<p>Provider Registration and International Learners Management System</p>



PROCEDURES

Application for a Release Letter

A student who wishes to request a transfer to another provider should first make an appointment to discuss the matter with the Chief Executive Officer (CEO). Learners are advised to make appointments with the CEO by enquiring at the reception desk.

Learners who have completed fewer than six (6) months of their Principal Course with Atlantis College of Management (ACM) may transfer to another provider only if they are provided with a release letter by ACM.

If the principal course is not with ACM, the student must obtain a release letter from the provider of the principal course.

A student may request a release letter from ACM by completing an application for a letter of release (available from the reception desk) and submitting it to the Student Services Manager.

The application for a release letter must be accompanied by a valid enrolment offer letter from another registered provider.

To obtain a release letter from a provider other than ACM, the student should be required to contact the other provider.

ACM Student Services Officers are available to assist learners with this process.

Outcome of application for a Release Letter

The outcome of the application for a release letter will be available to the student within *ten (10) working days*.

A student will be issued either of the following documents:

- Release Letter (Approved)
- Release Letter (Rejected)

Filing applications for Release Letters

Applications for release letters are placed in the file of learners who apply, along with offers of enrolment for the student from other providers.

Register of Requests for a Release Letter

For each application for a release letter, an entry is placed in the register of requests for a release letter.

Provision of Release Letters

A release letter to allow a transfer to another provider will be provided during the first *six (6) months* of a student's principal course at ACM only under exceptional



circumstances, where it is considered in the best interest of the student academically and/or personally.

Release based on Exceptional Circumstances

Exceptional circumstances in this context are defined as circumstances in which the student can provide evidence that:

- continuation of enrolment at Atlantis College of Management (ACM) would be to the detriment of the student's emotional or physical well-being
- it is in the best interest academically of the student to transfer to another provider
- the course the student wishes to transfer to better meets the study capabilities of the student
- the course the student wishes to transfer to better meets the long-term goals of the student, relating to future work, education, or personal aspirations
- the student will be provided with access to greater support
- the student's expectations about the current course are not being met
- the student was misled by ACM or an education or migration agent regarding ACM or the course in which the student is enrolled, which constitutes a breach of the *Education Services for Overseas Students Act 2000*.

Release based on Academic Best Interests

In the case where a student applies for a release letter on the basis that it is in the best interest academically of the student to transfer to another provider, the student must provide evidence to demonstrate this.

ACM would consider a letter from a recognised careers counsellor in support of the student's claim as valid evidence.

Should the student require assistance in gaining access to a recognised careers counsellor, ACM will refer the student appropriately. Referral to an external career's counsellor is at *no cost* to the student.

ACM will inform the student of any financial interest in the service to which the student is referred.

Release based on continuation of enrolment at ACM would be to the detriment of the student's emotional or physical well-being

ACM would consider a valid medical certificate from a recognised specialist medical practitioner stating that it would be detrimental to the student's emotional or physical well-being to remain enrolled at ACM as valid evidence of the claim.

Letter of Offer from alternative provider to be provided

A letter of offer from another provider *must be* provided in support of an application for a letter of release.

Provision of Release Letter at no cost to the student

If a release letter is provided, it will be at *no cost* to the student.



Assessment of application for letter of Release form

ACM will provide the student with a completed copy of the assessment of application for letter of release form, which contains details of the assessment of the application and details of the outcome of the application.

The outcome and letter will be provided to the student within *ten (10) working days* of the receipt of an application for a release letter.

Filing Documents

A copy of the release letter and a copy of the “*assessment of application for letter of release*” will be filed in the student’s file.

The Student Services Manager is responsible for ensuring that the documents are filed correctly and in a timely fashion.

Register of provision of Release Letters

If a release letter is provided, the Student Services Manager is responsible for ensuring that an entry is made in the register of provision of release letters.

Advising the student of the need to contact DOHA for VISA advice

If a release letter is provided for a student to change provider, the student will be advised of the need to contact *Department of Home Affairs (DOHA)* to seek advice on whether a new student visa is required.

Rejection of application for Release Letter

A request for a release letter to allow a student to transfer to another provider may be refused for the following reasons:

- exceptional circumstances relating to the welfare of the student have not been demonstrated
- the proposed transfer may jeopardise the student’s progression through a packaged set of courses
- The proposed transfer may be considered detrimental to the student’s welfare or personal safety
- the student has not utilised the support services available from ACM
- the student is attempting to avoid being reported to *Department of Home Affairs (DOHA)* for failing to meet the attendance or academic progress requirements of ACM
- the student is attempting to avoid being reported to DOHA for a breach of visa conditions
- the student owes course fees to ACM
- the student has provided as a reason for the request for the request for transfer matters related to permanent residency.



Release Letter (Rejected)

If a student's application for a release letter is refused, the student will be sent a letter of rejection of application for a release letter and a copy of the completed assessment of application for letter of release form, which contains details of the assessment of the application and details of the outcome of the application.

The Release Letter (Rejected) and the completed assessment of application for letter of release provide detailed explanations for the refusal of ACM to provide a release letter.

Documents to be filed in the case of rejection of an application for a release letter

A copy of the letter of rejection of request for a release letter and the completed copy of the assessment of application for letter of release form will be placed in the student's file.

Register of rejection of applications for Release Letters

An entry will be placed in the register of rejections of applications for release letters.

Appealing the decision to deny an application for a Release Letter

A student who is denied an application for a release letter has *twenty (20) working days* to appeal (from a date specified in the letter which provides sufficient time to allow *twenty (20) working days* after the letter has been delivered) using the ACM *Complaints and Appeals* policy and procedure.

Learners seeking to transfer from another provider within the first *six (6) months* of their program

Learners seeking to transfer from another provider within the first *six (6) months* of their program can do so only in the following special circumstances:

- The registered provider has ceased to be registered or the course in which the student has enrolled has ceased to be registered.
- The original registered provider has provided a written letter of release, agreeing to such a transfer
- The original registered provider has had a sanction imposed on its registration by the Australian Government or state or territory government that prevents the student from continuing his or her CoE course, or
- Any government sponsor of the student considers the change to be in the student's best interest and has provided written support for that change.

Learners of another provider seeking to transfer to ACM will be required to provide evidence of one or more of the above circumstances with their application to be enrolled at ACM.



Approximations of a Letter of Release

ACM may enrol a student if the student has documentation that approximates a letter of release. For example, the student may provide evidence that his/her CoE was conditional on meeting certain entry requirements and the student did not meet the requirements.

ACM will note this in PRISMS and keep the documentation on the student's file.

A student who requests a CoE for the purposes of applying for a new visa is not considered to be demonstrating a circumstance that would constitute an approximation of a letter of release.

RESPONSIBILITIES

- a) The Chief Executive Officer (CEO) is responsible for the implementation and governance of this policy and procedure
- b) The RTO Manager and Student Services Manager are responsible for ensuring that ACM adheres to the mechanisms, guidelines, and protocols of Overseas Student Transfers as per Standard 7 of the National Code of Practice for Providers of Education and Training to Overseas Students 2018 (National Code 2018)